

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:05CV477**

W. WELLS VAN PELT, JR.,

Plaintiff,

v.

UBS FINANCIAL SERVICES, INC.,

Defendant.

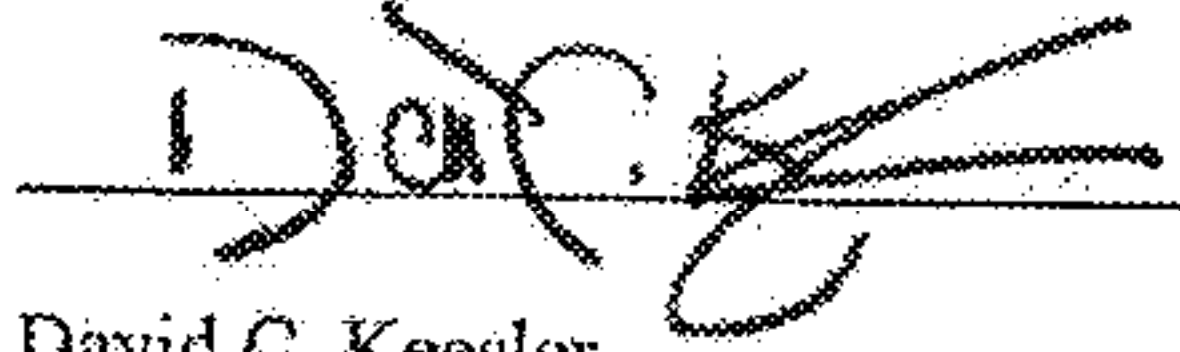
ORDER

THIS MATTER IS BEFORE THE COURT on the letter, dated November 29, 2005 from UBS Financial Services, Inc. ("UBS Financial Services") (the "Letter Motion for Expedited Discovery") (Document No. 7); and the letter dated December 1, 2005 from W. Wells Van Pelt, Jr. (Document No. 6). For the reasons set forth in the telephone conference held December 2, 2005, the undersigned will deny the Letter Motion for Expedited Discovery. Further, the undersigned will permit – in response to the Complaint (Document No. 1), filed November 15, 2005 by Mr. Van Pelt – the filing by UBS Financial Services of a motion to vacate the arbitration award against UBS Financial Services without a supporting memorandum. So that discovery can commence, UBS Financial Services and Mr. Van Pelt should promptly hold their initial conference as required by Rule 26 of the Federal Rules of Civil Procedure. If any issues related to proper subjects for discovery arise, the undersigned will address those at the proper time.

IT IS, THEREFORE, ORDERED that the motion for expedited discovery, contained in the letter, dated November 29, 2005 from UBS Financial Services, Inc. (Document No. 7) is **DENIED.**

IT IS FURTHER ORDERED that, if – in response to the Complaint (Document No. 1) – UBS Financial Services chooses to file a motion to vacate without a supporting memorandum, the Clerk of Court should docket that motion as pending. The undersigned expects that UBS Financial Services will file such supporting memorandum in a timely fashion in order to give the Court sufficient information upon which to base a ruling.

Signed: December 5, 2005



David C. Keesler
United States Magistrate Judge